

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 8, 2002

IN RE:

**PETITION OF TENNESSEE UNE-P
COALITION TO OPEN A CONTESTED
CASE PROCEEDING TO DECLARE
SWITCHING AN UNRESTRICTED
UNBUNDLED NETWORK ELEMENT**

)
)
)
)
)
)
)

**DOCKET NO.
02-00207**

**ORDER CONVENING A CONTESTED CASE PROCEEDING
AND APPOINTING A PRE-HEARING OFFICER**

This matter came before the Tennessee Regulatory Authority (the "Authority") at a regularly scheduled Authority Conference held on February 26, 2002, upon the *Petition of Tennessee UNE-P Coalition to Open a Contested Case Proceeding to Declare Switching an Unrestricted Unbundled Network Element* ("Petition") filed on February 25, 2002. The UNE-P Coalition and BellSouth Telecommunications, Inc. ("BellSouth") were represented by counsel at the Authority Conference.

After hearing from the parties, a motion was made to open a contested case and appoint Director Melvin J. Malone to hear the matter on its merits within thirty (30) days and to issue a decision within twenty (20) days thereafter. Upon further deliberations concerning the import of the issues raised in the Petition and the established practice of the Directors to hear such cases on the merits, the motion was amended to appoint Director Malone as Pre-Hearing Officer to prepare the case for hearing by the Directors. A majority of the Directors voted in favor of the amended motion thereby convening a contested case proceeding in this matter and appointing

Director Melvin J. Malone to act as the Pre-Hearing Officer to prepare the case for a hearing before the Directors.¹ Thereafter, Director Malone ordered BellSouth to file a response to the Petition by 2:00 PM, Monday, March 4, 2002, and ordered the Tennessee UNE-P Coalition to file a reply to the response by 2:00 PM, Thursday, March 7, 2002.²

IT IS THEREFORE ORDERED THAT:

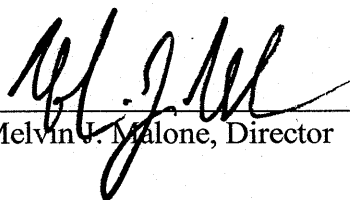
1. A contested case is hereby convened.
2. Director Melvin J. Malone is appointed Pre-Hearing Officer to prepare this docket for a hearing before the Directors.

* * * *

Sara Kyle, Chairman

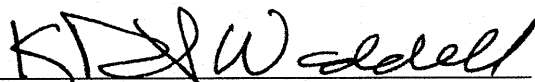


H. Lynn Greer, Jr., Director



Melvin J. Malone, Director

ATTEST:



K. David Waddell, Executive Secretary

¹ Chairman Kyle did not vote with the majority, stating that BellSouth should have an opportunity to respond before the Authority took any further action.

² A Notice of Filing was also issued on March 1, 2002 reflecting the filing dates ordered during the Authority Conference.